

## Coast Guard, DHS

## § 26.01–1

(iii) The use of stowage of stoves with attached CNG cylinders is prohibited as specified in paragraph 6–5.1 of NFPA 302.

(6) If the fuel supply line of an LPG or CNG system enters an enclosed space on the vessel, a remote shut-off valve must be installed that can be operated from a position adjacent to the appliance. The valve must be located between the fuel tank and the point where the fuel supply line enters the enclosed portion of the vessel. A power operated valve installed to meet this requirement must be of a type that will fail closed.

(7) The following variances from ABYC A-1.11.b(1) are allowed for CNG:

(i) The storage locker or housing access opening need not be in the top.

(ii) The locker or housing need not be above the waterline.

(8) The following variances from NFPA 302 are allowed:

(i) The storage locker or housing for CNG tank installations need not be above the waterline as required by paragraph 6–5.12.1.1(a).

(ii) Ignition protection need not be provided as required by paragraph 6–5.4.

NOTE TO §25.45–2: The ABYC and NFPA standards referenced in this section require the posting of placards containing safety precautions for gas cooking systems.

[CGD 83–013, 54 FR 6402, Feb. 10, 1989, as amended by CGD 83–013, 55 FR 3960, Feb. 6, 1990; CGD 95–072, 60 FR 50461, Sept. 29, 1995; CGD 96–041, 61 FR 50726, Sept. 27, 1996; USCG–2000–7790, 65 FR 58458, Sept. 29, 2000; USCG–2009–0702, 74 FR 49225, Sept. 25, 2009]

### Subpart 25.50—Garbage Retention

#### § 25.50–1 Criteria.

Each uninspected vessel must meet the garbage discharge, waste management plan, and placard requirements of 33 CFR part 151 applicable to the vessel.

NOTE: 33 CFR 151.67 prohibits the discharge of plastic or garbage mixed with plastic into the sea or the navigable waters of the United States. “Plastic” and “garbage” are defined in 33 CFR 151.05.

[CGD 88–002A, 56 FR 8880, Mar. 1, 1991]

## PART 26—OPERATIONS

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AUTHORITY: 46 U.S.C. 3306, 4104, 6101, 8105; Pub. L. 103–206, 107 Stat. 2439; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGFR 65–50, 30 FR 16656, Dec. 30, 1965, unless otherwise noted.

### Subpart 26.01—Application

#### § 26.01–1 Applicable to all vessels.

(a) The provisions of this part shall apply to all vessels except as specifically noted.

## Subpart 26.03—Special Operating Requirements

### § 26.03-1 Safety orientation.

(a) Before getting underway on any uninspected passenger vessel, the operator or master must ensure that suitable public announcements, instructive placards, or both, are provided in a manner that affords all passengers the opportunity to become acquainted with:

(1) Stowage locations of life preservers;

(2) Proper method of donning and adjusting life preservers of the type(s) carried on the vessel;

(3) The type and location of all life-saving devices carried on the vessel; and

(4) The location and contents of the *Emergency Checkoff List* required by § 26.03-2.

(b) Vessels subject to this subpart engaged in tender service at yacht clubs and marinas, and vessels being demonstrated for a potential purchaser by a yacht broker, are excluded from the requirements of § 26.03-1 and § 26.03-2.

[CGD 78-009, 45 FR 11109, Feb. 19, 1980, as amended by USCG-1999-5040, 67 FR 34776, May 15, 2002]

### § 26.03-2 Emergency instructions.

(a) The operator or master of each uninspected passenger vessel must ensure that an emergency check-off list is posted in a prominent and accessible place to notify the passengers and remind the crew of precautionary measures that may be necessary if an emergency situation occurs.

(b) Except where any part of the emergency instructions are deemed unnecessary by the Officer in Charge, Marine Inspection, the emergency check-off list must contain not less than the applicable portions of the sample emergency checkoff list which follows:

#### SAMPLE EMERGENCY CHECKOFF LIST

Measures to be considered in the event of:

(a) *Rough weather at sea or crossing hazardous bars.*

- ☐ All weathertight and watertight doors, hatches and airports closed to prevent taking water aboard.
- ☐ Bilges kept dry to prevent loss of stability.
- ☐ Passengers seated and evenly distributed.

- ☐ All passengers wearing life preservers in conditions of very rough seas or if about to cross a bar under hazardous conditions.

- ☐ An international distress call and a call to the Coast Guard over radiotelephone made if assistance is needed (if radiotelephone equipped).

(b) *Man overboard.*

- ☐ Ring buoy thrown overboard as close to the victim as possible.

- ☐ Lookout posted to keep the victim in sight.

- ☐ Crewmember, wearing a life preserver and lifeline, standing by ready to jump into the water to assist the victim back aboard.

- ☐ Coast Guard and all vessels in the vicinity notified by radiotelephone (if radiotelephone equipped).

- ☐ Search continued until after radiotelephone consultation with the Coast Guard, if at all possible.

(c) *Fire at Sea.*

- ☐ Air supply to the fire cut off by closing hatches, ports, doors, and ventilators, etc.

- ☐ Portable extinguishers discharged at the base of the flames of flammable liquid or grease fires or water applied to fires in combustible solids.

- ☐ If fire is in machinery spaces, fuel supply and ventilation shut off and any installed fixed firefighting system discharged.

- ☐ Vessel maneuvered to minimize the effect of wind on the fire.

- ☐ Coast Guard and all vessels in the vicinity notified by radiotelephone of the fire and vessel location (if radiotelephone equipped).

- ☐ Passengers moved away from fire and wearing life preservers.

(c) When in the judgment of the cognizant Officer in Charge, Marine Inspection, the operation of any vessel subject to this section does not present the hazards listed on the emergency checkoff list or when any vessel has no suitable mounting surface, an exclusion from the requirements of § 26.03-2(a) and (b) is granted by letter.

[CGD 78-009, 45 FR 11109, Feb. 19, 1980, as amended by USCG-1999-5040, 67 FR 34776, May 15, 2002]

### § 26.03-4 Charts and nautical publications.

(a) As appropriate for the intended voyage, all vessels must carry adequate and up-to-date—

- (1) Charts of appropriate scale to make safe navigation possible;

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(2) “U.S. Coast Pilot” or similar publication;

(3) Coast Guard light list;

(4) Tide tables; and

(5) Current tables, or a river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

(b) As an alternative, you may substitute extracts or copies from the publications in paragraph (a) of this section. This information must be applicable to the area transited.

[USCG-1999-5040, 67 FR 34776, May 15, 2002]

### § 26.03-6 Special permit.

(a) If the owner, operator, or agent donates the use of an uninspected passenger vessel to a charity for fundraising activities, and the vessel’s activity would subject it to Coast Guard inspection, the OCMI may issue a special permit to the owner, operator, or agent for this purpose if, in the opinion of the OCMI, the vessel can be safely operated. Each special permit is valid for only one voyage of a donated vessel, which is used for a charitable purpose. Applications are considered and approved on a case-by-case basis.

(b) The criteria of §176.204 of this chapter will apply to the issuance of a special permit. In addition, the owner, operator, or agent must meet each of these conditions—

(1) Any charity using a donated vessel must be a bona fide charity or a non-profit organization qualified under section 501(c)(3) of the Internal Revenue Code of 1986;

(2) All donations received from the fundraising must go to the named charity;

(3) The owner, operator, or agent may obtain a special permit for an individual vessel not more than four times in a 12-month period; and

(4) The owner, operator, or agent must apply to the local OCMI for a special permit prior to the intended voyage, allowing adequate time for processing and approval of the permit.

(c) Nothing in this part may be construed as limiting the OCMI from making such tests and inspections, both afloat and in dry-dock, that are reason-

able and practicable to be assured of the vessel’s seaworthiness and safety.

[USCG-1999-5040, 67 FR 34776, May 15, 2002]

### § 26.03-8 Marine Event of National Significance special permits.

(a) For a Marine Event of National Significance, as determined by the Commandant, U.S. Coast Guard, a vessel may be permitted to engage in excursions while carrying passengers-for-hire for the duration of the event. Event sponsors seeking this determination must submit a written request to the Commandant (CG-CVC) at least one year prior to the event.

(b) The owner, operator, or agent of a vessel that is registered as a participant in a Marine Event of National Significance may apply for a special permit to carry passengers-for-hire for the duration of the event. The master, owner, or agent of the vessel must apply to the Coast Guard OCMI who has jurisdiction over the vessel’s first United States port of call. The OCMI may issue a Form CG-949 “Permit to Carry Excursion Party” if, in the opinion of the OCMI, the operation can be undertaken safely. The OCMI may require an inspection prior to issuance of a special permit to ensure that the vessel can safely operate under the conditions for which the permit is issued.

(c) The permit will state the conditions under which it is issued. These conditions must include the number of passengers-for-hire the vessel may carry, the crew required, the number and type of lifesaving and safety equipment required, the route and operating details for which the permit is issued, and the dates for which the permit will be valid.

(d) The permit must be displayed in a location visible to passengers.

(e) The carrying of passengers-for-hire during a Marine Event of National Significance must comply with the regulations governing coastwise transportation of passengers under 19 CFR 4.50(b) and 19 CFR 4.80(a).

[USCG-1999-5040, 67 FR 34776, May 15, 2002, as amended by USCG-2004-18884, 69 FR 58344, Sept. 30, 2004; USCG-2009-0702, 74 FR 49225, Sept. 25, 2009]

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### § 26.03–9 Voyage plans for uninspected passenger vessels of at least 100 gross tons.

(a) The master must prepare a voyage plan that includes a crew and passenger list before taking an uninspected passenger vessel of at least 100 gross tons on a Great Lake, an ocean, or an international voyage.

(b) Before departure, the master must communicate the voyage plan ashore, either verbally or in writing. The voyage plan must go to either the vessel's normal berthing location or a representative of the owner or managing operator of the vessel. The master, owner, or operator of the vessel must make the voyage plan available to the Coast Guard upon request.

[USCG–1999–5040, 67 FR 34777, May 15, 2002]

### § 26.03–10 Signaling light.

All vessels of over 150 gross tons, when engaged on an international voyage, shall be equipped with an efficient daylight signaling lamp in accordance with the requirements of subchapter J (Electrical Engineering) of this chapter.

[CGFR 68–32, 33 FR 5711, Apr. 12, 1968, as amended by CGD 97–057, 62 FR 51042, Sept. 30, 1997]

## Subpart 26.08—Notice and Reporting of Casualty and Voyage Records

AUTHORITY: 46 U.S.C. 6101; 46 CFR 1.46.

### § 26.08–1 Notice and reporting of casualty and voyage records.

The requirements for providing notice and reporting of marine casualties and for retaining voyage records are contained in part 4 of this chapter.

[CGD 84–099, 52 FR 47535, Dec. 14, 1987; 53 FR 13117, Apr. 21, 1988]

## Subpart 26.15—Boarding

### § 26.15–1 May board at any time.

(a) To facilitate the boarding of vessels by the commissioned, warrant, and petty officers of the U.S. Coast Guard in the exercise of their authority, every uninspected vessel, as defined in 46 U.S.C. 2101(43), if underway and upon

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being hailed by a Coast Guard vessel, must stop immediately and lay to, or must maneuver in such a way to permit the Coast Guard boarding officer to come aboard. Failure to permit a Coast Guard boarding officer to board a vessel or refusal to comply will subject the operator or owner of the vessel to the penalties provided in law.

(b) Coast Guard boarding vessels will be identified by the display of the Coast Guard ensign as a symbol of authority and the Coast Guard personnel will be dressed in Coast Guard uniform. The Coast Guard boarding officer upon boarding a vessel will identify himself to the master, owner, or operator and explain his mission.

[CGFR 65–50, 30 FR 16656, Dec. 30, 1965, as amended by CGD 72–132R, 38 FR 5750, Mar. 2, 1973; CGD 95–027, 61 FR 25997, May 23, 1996]

## Subpart 26.20—Exhibition of Coast Guard Credential

### § 26.20–1 Must be available.

If a person operates a vessel that carries one or more passengers-for-hire, he or she is required to have a valid Coast Guard license or MMC officer endorsement suitable for the vessel's route and service. He or she must have the license or MMC in his or her possession and must produce it immediately upon the request of a Coast Guard boarding officer.

[USCG–1999–5040, 67 FR 34777, May 15, 2002, as amended by USCG–2006–24371, 74 FR 11264, Mar. 16, 2009]

## Subpart 26.25 [Reserved]

## Subpart 26.30—Work Vest

SOURCE: CGFR 68–65, 33 FR 19982, Dec. 28, 1968, unless otherwise noted.

### § 26.30–1 Approved unicellular plastic foam work vests.

(a) Buoyant work vests carried under the permissive authority of this subpart shall be of an approved type, and shall be constructed, listed, and labeled in accordance with subpart 160.053 of subchapter Q (Specifications) of this chapter.

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### § 26.30–5 Use.

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions.

(b) When carried, approved buoyant work vests shall not be accepted in lieu of any portion of the required number of approved lifesaving appliances required by § 25.25–10 of this subchapter.

### § 26.30–10 Stowage.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of required lifesaving equipment.

## PART 27—TOWING VESSELS

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sels in ocean or coastal service whose construction was contracted for on or after August 27, 2003?

AUTHORITY: 46 U.S.C. 3306, 4102 (as amended by Pub. L. 104-324, 110 Stat. 3901); Department of Homeland Security Delegation No. 0170.1.

SOURCE: USCG-2000-6931, 69 FR 34069, June 18, 2004, unless otherwise noted.

### Subpart A—General Provisions for Fire-Protection Measures and Fire-Suppression Equipment on Towing Vessels

#### § 27.100 Applicability; preemptive effect.

(a) You must comply with this part if your towing vessel operates on the navigable waters of the United States, unless your vessel is one exempt under paragraph (b) of this section.

(b) This part does not apply to you if your towing vessel is—

(1) Used solely for any of the following services or any combination of these services—

(i) Within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used for restricted service, such as making up or breaking up larger tows;

(ii) For harbor-assist;

(iii) For assistance towing as defined by 46 CFR 10.103;

(iv) For response to emergency or pollution;

(2) A public vessel that is both owned, or demise chartered, and operated by the United States Government or by a government of a foreign country; and that is not engaged in commercial service;

(3) A foreign vessel engaged in innocent passage; or

(4) Exempted by the Captain of the Port (COTP).

(c) If you think your towing vessel should be exempt from these requirements for a specified route, you should submit a written request to the appropriate COTP. The COTP will provide you with a written response granting or denying your request. The COTP will consider the extent to which unsafe conditions would result if your vessel lost propulsion because of a fire in the engine room.